

**REMARKS**

Claims 1 - 24 are pending in the application. Applicants are requesting reconsideration of the present application.

In section 3 of the Office Action, claims 1 – 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2006/0004595 to Rowland et al. (hereinafter “the Rowland et al. publication”) in view of Dun & Bradstreet, Inc., Small Business Solutions, Sample Flower company (hereinafter “the D&B publication”). Applicants are traversing this rejection.

The Rowland et al. publication is a publication of U.S. Patent Application No. 11/137,821 (hereinafter “the ‘821 application”), which was filed on 25 MAY 2005. Applicants believe that the Office is asserting the Rowland et al. publication as a reference under 35 U.S.C. 102(e), which, in relevant part, states:

A person shall be entitled to a patent unless – ...

(e) the invention was described in - (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent ...

The present application was filed 27 FEB 2004. Since the ‘821 application was filed on 25 MAY 2005, which is after the filing date of the present application, the ‘821 application was not filed “before the invention by the applicant for patent”, as is required by 35 U.S.C. 102(e), and therefore, the Rowland et al. publication is not a valid reference against the claims of the present application. Accordingly, Applicants are requesting reconsideration and a withdrawal of the section 103(a) rejection of claims 1 – 24.

NOTE: Section 6 of the Office Action also addresses whether the Rowland et al. publication is a valid reference. Applicants are considering section 6, below.

Section 5 of the Office Action reiterates a requirement for information under 37 C.F.R. 1.105 (hereinafter “the requirement”) that the Examiner presented in an office action dated 14 FEB 2008, but

Section 5 of the Office Action reiterates a requirement for information under 37 C.F.R. 1.105 (hereinafter “the requirement”) that the Examiner presented in an office action dated 14 FEB 2008, but that Applicants failed to fully address in a response dated 13 JUN 2008.

Applicants and Assignee, to the best of their knowledge, are not aware of any brochures, manuals, Microsoft® PowerPoint® presentations, or press releases relating to the detailed payment experience disclosed in the D&B publication, or any other comprehensive report, that was available to the public prior to the filing date of the present application.

Applicants believe that the preceding paragraph is a complete reply to the requirement.

In section 6 of the Office Action, the Examiner notes that the Rowland et al. publication is a publication of the ‘821 application, which was filed on 25 MAY 2005, and further notes that the ‘821 application is a continuation-in-part of U.S. Patent Application No. 10/368,072 (hereinafter “the ‘072 application”), which was filed on 18 FEB 2003. The Examiner then appears to conclude that since the ‘072 application provides support for the disclosures of the Rowland et al. publication that are being cited in the Office Action, that the Rowland et al. publication is a valid reference. Applicants respectfully disagree.

As Applicants explained above, since the ‘821 application was not filed “before the invention by the applicant for patent”, as is required by 35 U.S.C. 102(e), the Rowland et al. publication is not a valid reference against the claims of the present application.

Applicants realize that the Examiner may attempt to assert the ‘072 application as a reference, but Applicants believe that the ‘072 application would only qualify as prior art under 35 U.S.C. 102(e). 35 U.S.C. 103(c)(1), states:

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

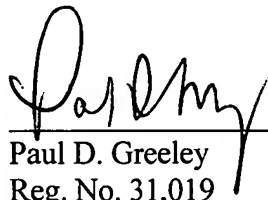
Applicants are submitting herewith (i) a copy of a Notice of Recordation of Assignment for the '072 application, and (ii) a copy of a Notice of Recordation of Assignment for the present application, showing that both of the '072 application and the present application are assigned to Dun & Bradstreet, Inc. Applicants submit that whereas the '072 application qualifies as prior art only under 35 U.S.C. 102(e), and whereas the subject matter of the '072 application and the claimed invention were, at the time the claimed invention was made, owned by Dun & Bradstreet, Inc. or subject to an obligation of assignment to Dun & Bradstreet, Inc., pursuant to 35 U.S.C. 103(c)(1), the '072 application does not preclude patentability of the presently claimed invention under 35 U.S.C. 103.

In view of the foregoing, Applicants respectfully submit that all claims presented in this application patentably distinguish over the prior art. Accordingly, Applicants respectfully request favorable consideration and that this application be passed to allowance.

Respectfully submitted,

Date

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Paul D. Greeley  
Reg. No. 31,019

Attorney for the Applicants  
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.  
One Landmark Square, 10<sup>th</sup> Floor  
Stamford, CT 06901-2682  
Tel: 203-327-4500  
Fax: 203-327-6401